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PATENT
940-015

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: BCIS-RF

Serial No.: 09/036,721

Art Unit: 2745

Filed: March 6, 1998

Examiner:

For: INTEGRATED BUILDING CONTROL AND INFORMATION SYSTEM WITH
WIRELESS NETWORKING

LETTER

Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

S I R:

It is hereby respectfully submitted that, in the above-identified application, a NOTICE TO FILE MISSING PARTS OF APPLICATION - NO FILING DATE and a NOTICE OF INCOMPLETE APPLICATION (both dated March 30, 1998, and copies of which are

CERTIFICATE UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on the date indicated below.

David M. Hill

(Name)

(Signature)

(Reg. No.)

5/27/98

(Date)

attached), were erroneously entered.

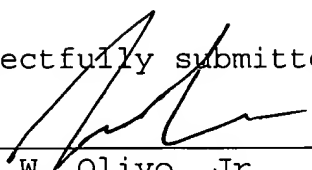
On March 6, 1998, applicants submitted for filing a complete application for patent with the Patent and Trademark Office ("PTO") in accordance with the new PTO procedures, effective December 1, 1997. According to amended 37 C.F.R. §§ 1.41 and 1.53, applications for patent no longer need to be filed in the actual name of the inventors to obtain a filing date. Therefore, the NOTICE OF INCOMPLETE APPLICATION, stating that the inventor's name is missing, is clearly in error, and a filing date should have been awarded. Applicants hereby submit that a NOTICE TO FILE MISSING PARTS OF APPLICATION - FILING DATE GRANTED should have been issued granting a filing date of March 6, 1998, and more importantly, allowing applicant the opportunity to obtain an extension of time to respond under 37 C.F.R. §§ 1.136(a).

Further, on May 27, 1998, during a telephone call with Ms. Jay from the Customer Service Center, the error was acknowledged by Ms. Jay and it was indicated that the matter would be forwarded to the Initial Patent Examining Division for correction. It was also indicated that a new, correct NOTICE TO FILE MISSING PARTS OF APPLICATION would be issued.

Therefore, applicants respectfully request that the above mentioned error be corrected and the appropriate NOTICE TO FILE MISSING PARTS OF APPLICATION - FILING DATE GRANTED be entered, in

order that applicants may timely provide the required Missing Parts in accordance with the revised PTO procedures to avoid abandonment of this application.

Respectfully submitted,



John W. Olivo, Jr.
Reg. No. 35,634
WARD & OLIVO
708 Third Avenue
New York, New York 10017
(212) 697-6262



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
09/036,721	03/06/98	UNKNOWN	940-015

0222/0330

JOHN F WARD
WARD & OLIVO
208 THIRD AVENUE
NEW YORK NY 10017

NOT ASSIGNED

2745

DATE MAILED:

03/30/98

NOTICE TO FILE MISSING PARTS OF APPLICATION

No Filing Date

(Enclosure to Form PTO-1123)

The required items noted below SHOULD be filed along with any items required on the "Notice of Incomplete Application." If the concurrent filing of all required items is not possible, the items noted below must be filed no later than TWO MONTHS FROM THE FILING DATE ACCORDED THIS APPLICATION. The filing date of this application will be the date of receipt of the items required on the "Notice of Incomplete Application." If items 1 and 3-5 below are submitted after the filing date, THE PAYMENT OF A SURCHARGE OF \$ _____ for a ☐ large entity ☐ small entity in compliance with 37 CFR 1.27 will also be required (37 CFR 1.16(e)).

If all required items on this form and on the "Notice of Incomplete Application" are filed together, the total amount owed by applicant as a ☐ large entity ☐ small entity is \$ _____.

- ☐ 1. The statutory basic filing fee is:

- ☐ missing.
☐ insufficient.

Applicant must submit \$ _____ to complete the basic filing fee and/or file a verified small entity statement claiming such status (37 CFR 1.27).

- ☐ 2. Additional claim fees of \$ _____, including any multiple dependent claim fees, are required.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

- ☒ 3. The oath or declaration:

☒ is missing.

- ☐ does not cover the items required on "Notice of Incomplete Application."
☐ does not identify the application to which it applies.
☐ does not include the post office address and the city and state or foreign country of applicant's residence.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Receipt Date is required.

- ☐ 4. The signature(s) to the oath or declaration is/are:

- ☐ missing.
☐ by a person other than the inventor or person qualified under 37 CFR 1.42, 1.43, or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, referring to the above Application Number and Receipt Date, is required.

- ☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration: _____
An oath or declaration signed by the omitted inventor(s), identifying this application by above Application Number and Receipt Date, is required.

- ☐ 6. A \$ _____ processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

- ☐ 7. The application does not comply with the Sequence Rules. See attached "Notice To Comply with Sequence Rules 37 CFR 1.821-1.825."

- ☐ 8. OTHER:

Direct the response and any questions about this notice to "Attention: Box Missing Parts."

A copy of this notice MUST be returned with the response.

Customer Service Center
Initial Patent Examination Division (703) 308-1202



APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
09/036,721	03/06/98	UNKNOWN	940-015

0222/0330

JOHN F WARD
WARD & OLIVO
708 THIRD AVENUE
NEW YORK NY 10017

NOT ASSIGNED

2745

DATE MAILED:

03/30/98

NOTICE OF INCOMPLETE APPLICATION

A filing date has NOT been assigned to the above identified application papers for the reason(s) indicated below.

All of the items noted below, unless otherwise indicated, must be submitted within **TWO MONTHS** of the date of this Notice, or the application may be returned or otherwise disposed of. Any fee which has been submitted will be refunded less a \$130.00 handling fee. (37 CFR 1.53(c)).

The filing date will be the date of receipt of all items required below, unless otherwise indicated. Any assertions that the items required below were submitted, or are not necessary for a filing date, must be by way of petition directed to the attention of the Office of the Assistant Commissioner for Patents accompanied by the \$130.00 petition fee. (37 CFR 1.17(i)). If the petition states that the application is complete, a request for refund of the petition fee may be included in the petition.

☐ 1. The specification (description and claims):

- ☐ a. is missing.
- ☐ b. does not include a written description of the invention.
- ☐ c. does not include at least one claim as prescribed by 35 U.S.C. 112.

A complete specification (including at least one claim in a nonprovisional application) as prescribed by 35 U.S.C. 112 is required.

☐ 2. The application was deposited without drawings. 35 U.S.C. 113 (first sentence) requires a drawing "where necessary for the understanding of the subject matter sought to be patented."

Applicant should reconsider whether drawings are necessary under 35 U. S. C. 113 (first sentence).

☒ 3. The inventor's name(s) is missing.

The full names of all inventors are required in compliance with 37 CFR 1.41.

☐ 4. OTHER:

Additional observations on the above-identified application papers:

- ☐ 1. Pages _____ of the specification are missing.
- ☐ 2. Figures _____ described in the specification are missing.

Direct the response and any questions about this notice to "Attention: Box Missing Parts."

Enclosed:

- ☐ "General Information Concerning Patents." See page _____.
- ☒ "Notice to File Missing Parts of Application," Form PTO-1532.
- ☐ "Checklist for Patent Applications."
- ☐ Other: _____

A copy of this notice MUST be returned with the response.

Customer Service Center
Initial Patent Examination Division (703) 308-1202